

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LEWIS G. ADLER, ESQUIRE
26 NEWTON AVENUE
WOODBURY, NJ 08096
(856)845-1968
ATTORNEY FOR PLAINTIFF

Carol and Carlos Martino
Individually and as a class representative
On behalf of others similarly situated

Plaintiff

vs.

EVERHOME MORTGAGE, Cooper
PERSKIE Levenson April Niedelman &
Wagenheim, P.A., AND JOHN DOE
SERVICERS 1-100
AND JOHN DOE LAW FIRMS 1-10
Defendant.

CASE NO.

1:09-cv-00011 (JEI)(JS)
Civil Action

Affidavit pursuant to Rule 56(f)

I, Lewis G. Adler, Esquire, of full age hereby certify to the following:

1. This certification is being submitted pursuant to Rule 56(f) in opposition to the motion filed by Everhome Mortgage.
2. The movants have filed motions to dismiss and/or for summary judgement.
3. The movants have attached as part of its moving papers information which is beyond the scope of the pleadings. The Plaintiff has not had any opportunity to conduct discovery concerning any of the factual allegations raised by these additional facts.
4. The movant has made factual allegations concerning its "contractual" relationship to the parties and the itemization of damages. The Plaintiff has not had the opportunity to conduct any discovery concerning these items The Defendants have all of this information and it is not readily available to the Plaintiff.
5. Pursuant to Rule 56(f), to the extent that the Defendants seek to rely upon facts and allegations beyond the allegations alleged in the complaint, the Plaintiff requests the court to refuse the application until discovery is completed.

I hereby certify that the foregoing statements made by me are true. I realize that if any of these statements are willfully false, I am subject to punishment.

_____/s/Lewis G. Adler, Esquire_____

DATED: 5/12/09 Lewis G. Adler, Esquire